

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

MIAMI DIVISION

CASE NO. 1:12-cv-23466-SEITZ/SIMONTON

JMA, INC., a Florida corporation, J.A.
LaPADULA, INC., a Florida corporation,
JOSEPH A. LaPADULA, an individual,
SCOTT D. MATHISON, an individual,
SOUTHERN PACE, INC., a Florida
corporation, ACL of SOUTH FLORIDA,
INC., a Florida Corporation and ST. JUDE
MEDICAL S.C., INC., a Minnesota
corporation,

Plaintiffs,

vs.

BIOTRONIK, INC., an Oregon
corporation,

Defendant.

**PLAINTIFF ST. JUDE MEDICAL S.C. INC.'S MOTION TO COMPEL
THIRD PARTY BOSTON SCIENTIFIC CORP.
TO PRODUCE DOCUMENTS RESPONSIVE TO SUBPOENA**

St. Jude Medical S.C., Inc. ("St. Jude"), by and through undersigned attorneys, hereby respectfully submits this Motion to Compel Third Party Boston Scientific Corp. to produce Documents Responsive to Subpoena.

The Subpoena at issue seeks the production of documents in the possession of non-party Boston Scientific Corp. ("Boston Scientific") relevant to litigation entitled *JMA, Inc., St. Jude S.C., Inc., et al. v. Biotronik, Inc.*, which is currently pending in the United States District Court for the Southern District of Florida, Case No. 12-cv-23466. The factual basis and legal support

for this motion are contained in the accompanying Memorandum in Support of Motion and Affidavit of Christopher Demetriades.

REQUEST FOR ORAL ARGUMENT

Movant St. Jude believes that oral argument would assist the Court in resolution of this Motion and therefore requests a hearing. Counsel believes that one hour will suffice for the hearing.

CERTIFICATE OF COMPLIANCE WITH LR 7.1(a)(2) AND L.R. 37.1(b)

Pursuant to Local Civil Rule 7.1 and Fed. R. Civ. P 37(a)(1), St. Jude certifies that its Florida counsel has in good faith conferred with counsel for Boston Scientific in an effort to secure the requested documents without court action, but was unsuccessful.

Respectfully submitted,

ROSE, CHINITZ & ROSE

s/ Alan D. Rose

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 22, 2014, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached service list in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Alan D. Rose

Alan D. Rose

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